

REMARKS

This Amendment and Remarks is in response to the Office Action mailed July 15, 2004. Claims 1-23 are pending and have been rejected. The applicant has herein amended claims 1, 13 and 19 and canceled claims 10, 11, 21 and 22.

The Examiner has objected claims 19 and 20 because of the "1." located at the beginning of claim 19. The applicant has herein amended claim 19 to delete the "1." reference in claim 19. Accordingly, the applicant respectfully asserts that the Examiner's objection has herein been overcome.

The Examiner has rejected claims 6, 7 and 16-22 under 35 U.S.C. § 112 because the term "the housing" lacks proper antecedent basis. The applicant has herein amended independent claims 1 and 13, upon which claims 6 and 7 and 16-22 respectfully depend, to include proper antecedent basis for "the housing." Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

The Examiner has rejected claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,039,642 ("Collins"). Collins discloses a retractable knife sharpener having a handle and a magazine slidably received in the handle. The sled has a plurality of sharpening wheels, each of differing coarseness grades, to sharpen a knife. The Examiner states that sled guide 82 of Collins and the handle have an aperture for digital interaction with the sled guide since it can be held. The applicant respectfully disagrees. Sled guide 82 is a groove adapted to mate with tongue 88, only when rod R is pivoted from its storage position, which is when the rod R is longitudinally disposed within the groove 82. (Col. 4, lines 52-67). The applicant has herein amended independent claims 1 and 13 to include the limitation that an aperture is disposed on the housing to provide accessibility to the sled guide from outside of the housing. Contrary to the Examiner's interpretation, Collins does not teach an aperture in the housing that

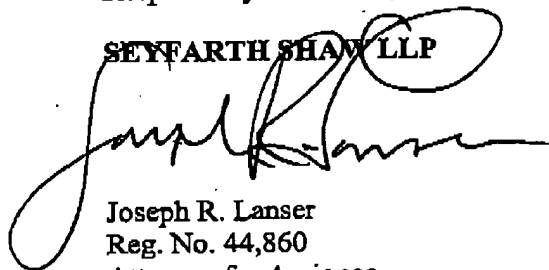
is adapted to provide access to the sled guide from outside of the housing. (emphasis added). The only apertures on the housing that Collins teaches are apertures 14 which cooperate with push buttons P to retain the magazine M in the desired position relative to the handle. However, these apertures do not provide accessibility to the sled guide from outside of the housing, allowing a user to provide a substantially longitudinal force to the sled guide to move it between the retracted and extracted positions, as in independent claims 1 and 13 of the present application. In fact, accessibility of the sled guide in Collins is not achievable until the magazine M is completely removed from the handle wherein the sled guide is only then exposed. Claims 10-11 and 21-22 have herein been canceled and claims 2-10 and 12 depend on now allowable independent claim 1 and claims 14-20 and 23 depend on now allowable independent claim 13. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

CONCLUSION

In view of the foregoing, and in summary, the applicant respectfully asserts that the claims are considered patentable in light of Collins and are now in a condition for allowance. Therefore, allowance of the application is respectfully requested.

Respectfully Submitted,

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